

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

ALLEN LEE LANGLEY and
BARBARA J. LANGLEY, as parents
and next friends of Branden L. Langley,

Plaintiffs,

vs.

No. CIV 97-660 WWD/LFG

MAYTAG CORPORATION,
a foreign corporation,

Defendant.

RECOMMENDATION OF SETTLEMENT APPROVAL

THIS MATTER is before the Court on a request to approve a settlement on behalf of Branden L. Langley, the Plaintiffs' minor child. A hearing was conducted on April 5, 1999, and Plaintiffs' counsel, Jeffrey R. Brannen, outlined the reasons why the case was being settled and the allocation of settlement proceeds. Moreover, the minor child's guardian ad litem, Robert J. Mroz, advised that he reviewed the pleadings, discovery, and Rule 26 expert reports. Based on his assessment, the guardian ad litem recommends approval of the settlement. This recommendation is made primarily because of the significant questions concerning liability and the fact that the minor child, Branden L. Langley, did not suffer significant impairment. The child's major damages involved the hospitalization and treatment following the explosion.

The Court advised Mr. & Mrs. Langley of the New Mexico Supreme Court's decision in Leyba v. Whitley, 120 N.M. 768, 907 P.2d 172 (1995). Mr. And Mrs. Langley understand that the

portion of settlement funds attributed to Branden L. Langley are his funds and the funds must be used only for his benefit. Mr. and Mrs. Langley advised the Court of their intent to deposit that portion of the settlement proceeds into a mutual fund account to be managed for Branden's educational or personal needs.

The Court concludes that good cause has been shown for recommending approval of the settlement, and, accordingly, recommends that the Court approve the settlement and grant the parties' joint motion to dismiss the case with prejudice.

Lorenzo F. Garcia

Lorenzo F. Garcia
United States Magistrate Judge

ATTORNEY FOR PLAINTIFFS:

Jeffrey R. Brannen, Esq.

Robert J. Mroz, Esq.

ATTORNEY FOR DEFENDANT:

Charles A. Pharris, Esq.